

## **640.1 COMPRESSED WORK SCHEDULES**

1. PURPOSE AND SCOPE. To provide general information regarding compressed work schedules and to specify the procedural guidelines for submitting and obtaining clearance for compressed work schedules. This policy applies to non-bargaining unit employees (employees) only. Bargaining unit employees are bound by the terms of any applicable collective bargaining agreement.

### 2. DIRECTIVES REFERENCED

- a. 5 U.S.C., Chapter 61, Subchapter II
- b. 5 CFR, Part 610, Subpart D

3. OVERVIEW. Issues regarding compressed work schedules include:

a. A compressed work schedule enables a full-time employee to work his or her 80-hour biweekly work requirement in less than 10 workdays. All compressed work schedules are fixed schedules, meaning the times of arrival and departure are regular and fixed. There are no provisions under this type of schedule for flexible tour of duty hours. In determining schedules, Chief Executive Officers (CEOs) have the authority to set core hours (designated hours and days during which an employee must be present for work) based on the needs of the discipline or department/work unit.

For purposes of this section, CEO means Assistant Directors, Regional Directors and local Chief Executive Officers.

b. The Bureau currently utilizes two types of compressed work schedules, where it is feasible to do so. These schedules are the 4-day workweek and the 5-4/9 plan.

◆ The 4-day workweek is a fixed tour of duty which is limited to four 10-hour days per week.

◆ The 5-4/9 plan consists of a fixed tour of duty limited to eight 9-hour days and one 8-hour day within a biweekly pay period.

Workdays in excess of 10 hours are not recommended for inclusion in a compressed work schedule. These schedules may have a detrimental effect on security and could inhibit employee ability to adequately perform job functions due to excess fatigue caused by the longer hours. Schedules consisting of 12-hour days may be determined under limited circumstances.

c. Compressed work schedules are not an employee entitlement. Supervisors are responsible for establishing and monitoring their employees' work schedules, and determining if adequate personnel coverage will be provided to ensure the effective and efficient functioning of the department/work unit. A compressed work schedule may be requested for one employee, or a group of employees. In considering requests, special attention should be given to the work needs of the office and the demonstrated performance and reliability of the individual(s) involved.

The duties of some positions do not lend themselves to this type of work schedule. Position complement may also restrict participation.

d. An employee on a compressed work schedule who transfers to another office must follow the schedule in effect in the new office.

e. If an employee goes to another position while remaining within the same office, the supervisor must evaluate the impact of participation on the work requirements of the new assignment.

f. An employee may request to be excluded from a compressed work schedule if that schedule would impose a personal hardship on the employee.

g. The servicing Human Resource Management Office shall maintain records documenting the number of requests approved and denied, the type of schedule(s) in use, and the number of participating employees. Any documents containing an evaluation of the program in terms of measuring the impact on the effective and efficient functioning of the department/work unit shall also be maintained.

4. PROCEDURES. Requests for compressed work schedules may be approved or disapproved at the local or regional level by the Chief Executive Officer, on a case-by-case basis, in accordance with the terms of 5 U.S.C. Chapter 61, Subchapter II.

a. Supervisors shall coordinate requests with their servicing Human Resource Office to ensure consistent processing of requests.

b. The completed compressed work schedule request package shall include the following:

- (1) A cover memorandum from the CEO to the Office of General Counsel (OGC), Labor Law Branch.

- (2) A complete copy of the schedule requested. (See attachment 6-8.)
  - (3) A signed memorandum of understanding for all employees covered by the schedule.  
(See attachment 6-9.)
  - (4) A Supervisory Pre-Implementation Questionnaire. (See attachment 6-10.)
  - (5) A U.S. Department of Justice Flexible Work Option Request Form completed by each employee participating in the compressed work schedule.
  - (6) Three copies of the package.
- c. If a request is disapproved at the local or regional level, notification of the denial shall be provided by the CEO to the servicing Human Resource Office. The Human Resource Office will then prepare a written response to the appropriate supervisor.
- d. The compressed work schedule request package approved at the local level shall be forwarded by the institution's servicing Human Resource Office to their Regional Director who will forward it to the Office of General Counsel, Labor Law Branch, for a legal and technical review. OGC's legal and technical review will be coordinated with the Assistant Director for the discipline. Schedules shall not be implemented until the final review is completed. A copy of the final decision and the request package should be forwarded by OGC to the Human Resource Management Division, Employee Relations Section.
- e. If upon completion of the review at the national level, a schedule is determined to be legally insufficient, the Office of General Counsel, Labor Law Branch, will provide a written opinion to the CEO.

If determined to be legally sufficient, OGC notification to implement the schedule will be forwarded to the CEO.

- f. Six months after implementation of an approved schedule:
- (1) The supervisor must complete a Six Month Supervisory Assessment of Compressed Work Schedule form. (See attachment 6-11.)
  - (2) The form, along with a cover memo which includes the institution name and the department/unit working the

schedule, shall be submitted to the Office of General Counsel, Labor Law Branch. OGC will coordinate a technical and legal review with the appropriate discipline Assistant Director.

g. If at any time a supervisor or CEO determines that the compressed work schedule has an adverse impact on the agency's mission, they will refer their determination to OGC for a legal review. The CEO will then issue a decision to the parties involved following OGC's concurrence.

h. If a schedule is discontinued for reasons **other than** an adverse agency impact, OGC shall be notified of the discontinuance and the reason(s) for it.